

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

WILDEARTH GUARDIANS,

Plaintiff,

vs.

No. CIV 07-1043 JB/ACT

UNITED STATES FOREST SERVICE,

Defendant,

NEW MEXICO CATTLE GROWERS'
ASSOCIATION, COALITION OF ARIZONA/
NEW MEXICO COUNTIES FOR STABLE
ECONOMIC GROWTH, and NEW MEXICO
FEDERAL LAND COUNCIL,

Defendant-Intervenors.

ORDER ON MOTION TO RECONSIDER

THIS MATTER comes before the Court on Federal Defendant's Motion to Reconsider, filed January 7, 2011 (Doc. 85). The Court held a hearing on February 1, 2011. The primary issue is whether the Court should reconsider its order withdrawing from its consideration Defendant-Intervenors' Response in Opposition to Joint Motion for Indicative Ruling, filed December 17, 2010 (Doc. 80)(“Response”). The Response contained confidential settlement materials. In its order, the Court agreed not to consider the Response, but the Court did not strike the Response and its supporting documents from the record, or remove it from the CM/ECF system. See Order on Motion to Withdraw Defendant-Intervenors' Response in Opposition to Joint Motion for Indicative Ruling and Motion for Extension to File a Revised Response at 1, filed December 29, 2010 (Doc. 83). On January 7, 2011, Defendant United States Forest Service (“USFS”) filed a motion

requesting that the Court reconsider its order. See Federal Defendant's Motion to Reconsider at 1. The USFS again requests that the Court strike the Response and its attachments from the record and remove the materials from the CM/ECF system. See Federal Defendant's Motion to Reconsider at 1. On January 10, 2011, the New Mexico Cattle Growers Association, the New Mexico Federal Lands Council, and the Coalition of Arizona/New Mexico Counties for Stable Economic Growth ("NMCGA") filed a Response to Federal Defendant's Motion to Reconsider. See Doc. 86. The NMCGA stated that it did not oppose the removal of the documents from the CM/ECF system. See Response to Federal Defendant's Motion to Reconsider at 2. For the reasons stated on the record at the hearing, the Court concludes that it will grant the USFS' Motion to Reconsider. On February 23, 2011, the Court issued an order directing the New Mexico District Court Clerk's Office to remove Doc. 80 (inclusive of all attachments) from the CM/ECF system.

IT IS ORDERED that Federal Defendant's Motion to Reconsider, filed January 7, 2011 (Doc. 85) is granted.

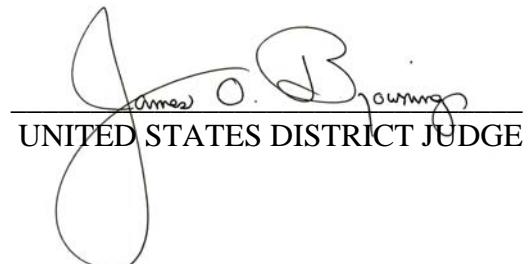
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